

# **The Sociopolitical Context of Bilingual Instruction in 21<sup>st</sup> Century California: Examining the Impact of Proposition 227**

Sharon H. Ulanoff  
California State University, Los Angeles  
Charter College of Education  
Division of Curriculum and Instruction  
5151 State University Drive  
Los Angeles, CA 9003-8142  
[sulanof@calstatela.edu](mailto:sulanof@calstatela.edu)

Lillian Vega-Castaneda  
California State University, Channel Islands  
1 University Drive  
Camarillo, CA 93012  
[Lillian.Castaneda@csuci.edu](mailto:Lillian.Castaneda@csuci.edu)

## **Introduction**

Changing demographics in today's schools pose a critical challenge to the American education system. Concerns with cultural, socioeconomic, ethnic, and linguistic diversity often become puzzling to educators who are under prepared to address the variety of instructional and social needs. Within the changing face of today's schools, it is perhaps the linguistic diversity that underlies the greatest challenge. Indeed, degree of proficiency and literacy in English among English language learners (ELLs) generates increasingly strident and divisive debates about the "best" way to educate such students.

Nowhere is this challenge more visible than in California, given the numbers of ethnically, culturally and linguistically diverse students and the recent voter-approved legislation mandating the abolition of bilingual education. It is estimated that

California educates over 1.4 million students classified as Limited English Proficient (LEP),<sup>1</sup> and by far the greatest number among them are Spanish speakers.

Proposition 227/the “Unz” Initiative/English for the Children won easily on the ballot in California in June, 1998. Proposition 227 calls for students to be taught “overwhelmingly in English” and proposes the use of Structured English Immersion (SEI) as the methodology of choice for students. Parents of ELLs have the option of requesting a waiver that allows their children to remain in bilingual programs after an initial 30 day period of all English instruction.

Without guidance from the State Board of Education and the State Department of Education, districts throughout California have taken a variety of paths toward the implementation of Proposition 227 as they have struggled to define and implement the various monolingual and bilingual methodologies called for in the legislation. Some districts have actively sought parental waivers to continue using bilingual instruction. Others have implemented **all** English instruction, going beyond what is called for in the legislation. As a result of this varied implementation of curriculum for ELLs, the impact of Proposition 227 will be felt for years to come.

Proposition 227 will have far reaching and long lasting effects on ELLs’ achievement for a number of reasons. First, the proposition expands the responsibility for educating ELLs from teachers who have expertise and training in second-language acquisition, literacy, biliteracy and cultural factors in learning and academic

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<sup>1</sup> Given the pejorative nature of the term LEP, for the purposes of this proposal we will use the term English Language Learner (ELL) to describe students who are learning English as a second language.

achievement onto mainstream teachers who are mostly under and unprepared to address the cultural, linguistic and social needs of the students. While it would seem that this would encourage reintegration of ELLs into mainstream classrooms, widespread segregation and isolation exists as students are grouped by language or rather by lack of the English language for SEI.

This paper reports on teacher reactions to the second year of the implementation of Proposition 227 and builds on a former study (Ulanoff and Vega-Castaneda, 1999) that examined teacher narratives on the implementation of Proposition 227. Currently in California many bilingual teachers are faced with classrooms of second language learners who, according to law, are to be instructed only in English. Others still are able to instruct in Spanish after a mandatory 30 days of instruction in English and only after receiving a substantial amount of requests from parents to waive the requirement for English only instruction (waivers under strict conditions allow the continuation of primary language instruction). Many bilingual teachers begin each school year frustrated since they do not know whether or not they will be teaching in Spanish since the parents must apply for waivers on an annual basis and the type of instruction in each classroom is dependent on parental choice. Still others act as activists in their classrooms and defy what they consider to be a “bad law.”

In order to explore teachers’ responses to the implementation of Proposition 227 this paper attempts to ask the following questions:

1. How has Proposition 227 changed the context of instruction for bilingual teachers and second language learners?

2. What is the nature of teacher/student and student/student interaction and communication in both SEI and waiver/Bilingual Programs?
3. What are the dynamics of interaction and the implications for equity and access, including equity, access and availability of materials?
4. What are the biggest challenges that bilingual teachers and their students face due to the implementation of Proposition 227?

### **Theoretical Framework**

Much has been written about how ELLs can best learn to speak, read and write English (Cummins, 1994; Krashen, 1994; Collier, 1992; Willig, 1985). While not without controversy and contradictory argument (Baker, 1992; Rossell, 1992), it has long been widely accepted by the proponents of bilingual education that the use of primary language instruction, specifically as students are becoming literate, greatly facilitates second language acquisition (Cummins, 1994; Krashen, 1994; Ramírez, 1992; Thonis, 1994; Ulanoff, 1995) as it makes sense that it is easier to learn to read and write in a language that is already understood. Studies in California (Krashen, 1999; Krashen and Biber, 1988; Ramírez, 1992) alone have demonstrated successful academic achievement for English learners who have had the benefit of properly implemented bilingual programs. Other studies have reported similar success for students outside of California (Collier and Thomas, 1988; Willig, 1985).

While California has supported the use of bilingual instruction since the 1974 Lau v. Nichols decision (which was written in favor of Chinese American students in

California and essentially said that they were entitled to equal access to the curriculum despite language differences), over the past few years there has been a shift in attitudes toward immigrants and, by extension, ELLs. Beginning with the passage of Proposition 187 in 1986 which called for making it illegal for undocumented students to attend public schools (and which is still tied up in the courts) and continuing with Proposition 209 which called for the end of Affirmative Action policies in California, times have gotten considerably more politically charged in terms of the education of ELLs.

In June 1998, California voters approved Proposition 227. Authored by Northern California businessman Ron Unz, and elementary school teacher Gloria Matta Tuchman, the measure called for all students classified as LEP to be placed in a classroom designed to provide intensive English language instruction for one academic year before being placed in mainstream English only classes. Called Structured English Immersion (SEI) the instructional emphasis was to be placed on English language instruction at the expense of other content areas. This plan is based on an English-only ideology that denounces the use of any language other than English as a medium of instruction in the public schools.

Baker (1998) states that SEI is an effective means of educating English learners to become proficient in English. He supports his work by citing former studies by Gersten (1985) who examined student achievement of English learners in Ulvalde, Texas.

Krashen (in press) argues that Baker's work is flawed, indicating that he used a small sample size, did not report test scores and only followed children up until the second grade, clearly before they had the time to develop cognitive academic language

proficiency or CALP (Cummins, 1994), the language proficiency necessary for academic tasks, in their second language.

Furthermore, there are many including Baker (1992) and Rossell (1992) who criticize bilingual education, stating that it has failed, especially in California. Krashen (1999) argues that this is not the case. He states that “the ‘failure’ of bilingual education has reached the status of urban myth” (p. 49) and goes on to cite a variety of successful programs in California that have demonstrated academic achievement for ELLs. Krashen and Biber (1988) reported similar successes over a decade ago.

## **Methodology**

### *Setting/sample*

California State University, San Marcos (CSUSM) is located in North County, San Diego in California, 60 miles north of the border with Mexico, between the cities of San Diego and Los Angeles. The main focus of the College of Education is teacher development within a framework of equity and access. Given the ethnolinguistically diverse student population our graduates will teach, all teacher candidates receive either a Cross-cultural Language and Academic Development (CLAD) or a Bilingual Cross-cultural Language and Academic Development (BCLAD) credential when they complete the credential program. Furthermore all students who graduate with the MA in Education from CSUSM must either already possess a CLAD or BCLAD credential or take a series of courses in order to complete a CLAD or BCLAD upon graduation.

### *Data collection and analysis*

In order to explore and examine how teachers are reacting to the implementation of Proposition 227 we sent out anonymous open-ended surveys to all BCLAD teachers who graduated from our programs (credential and MA) within the last five years. Surveys were also sent to BCLAD teachers currently enrolled in the MA program. 206 surveys were sent out in total. Teachers were asked to describe what has changed as a result of Proposition 227 and to reflect on those changes. Teachers were also asked for demographic information regarding the district where employed, number of years teaching, current status (bilingual instruction or English only) and whether or not they would be willing to be interviewed regarding this issue and/or observed in their classrooms.

Of the 206 surveys that were sent out, 41 surveys came back as undeliverable; 54 surveys were returned, one from a student not currently teaching, leaving a sample of 53 surveys in total. Of the 53 respondents, 33 stated that they are teaching bilingually and two are substitute teachers. It is interesting to note that 5 of those teachers later described their classrooms as English-only classrooms, leaving 28 respondents actually serving as bilingual teachers, a little more than 50% of the sample. 35 respondents are primary grade teachers, 9 upper elementary school teachers, 4 middle school teachers and 3 high school teachers. Bilingual teachers work in transitional bilingual programs, parallel language (primary language instruction) classrooms, dual immersion programs and late-exit bilingual programs.

Approximately 50% of the respondents indicated a willingness to be interviewed and/or observed regarding the implementation of Proposition 227 and the next phase of this study entailed focus groups interviews of respondents in February, 2001.

Teachers who expressed interest in speaking with us were invited to attend a series of focus groups. Twenty-one teachers were scheduled to attend one of four focus groups; twelve attended one of two sessions that were held. Focus groups were conducted on-campus in the evening and were attended by both researchers who both took field notes during the interviews. Both sessions were audiotaped and tapes were transcribed for analysis following the sessions. Of the teachers, all bilingual, who participated in the focus group interviews eight taught in bilingual classrooms, grades K through 5. Of the remaining four, one was a high school Spanish teacher, one a reading specialist and the other two taught in SEI classrooms. All focus group participants were either graduates or current enrollees in the MA in Education program at CSUSM.

Phase three consisted of observations of four classrooms during May and June, 2001. Classrooms of teachers who participated in the focus group interviews were selected for observations. The four classes chosen for observation consisted of a K-1 bilingual classroom, a third grade bilingual classroom, a fourth grade bilingual classroom and a Kindergarten SEI classroom. Open-ended observational fieldnotes were taken during the observations as well as anecdotal notes that resulted from informal conversations with the teachers and students in the classes. It is important to note that the observations in the three bilingual classrooms took place in classrooms that the researcher had previously visited during the supervision of student teachers.

This was due to the limited number of bilingual placements as a result of Proposition 227, year-round scheduling, and also to the nature of the sample for this study. In that all respondents were present and past teacher candidates and all focus group participants were former and present MA students this limited the availability of classrooms for observation.

Data analysis of the open-ended survey responses, interview responses and observational fieldnotes was based on a review of each data source and coding of data. Field notes were compiled during both classroom observations and the focus group interviews and these were also reviewed, coded and analyzed. Patterns were identified as they surfaced and these were used to further identify salient themes, and categories within and across each data set, specifically the data from interviews and observations. Propositions were formulated from this process of data analysis and further developed to address the specific research questions. Themes that emerged from this analysis included concerns regarding access to curriculum and instruction, communication between teachers and students AND students and students, affect in the classroom and school and resistance for and toward social justice. Questioning and reflection on the data is a recursive process as a way of allowing the findings to be firmly grounded in the data and continued throughout the study.

## **Findings**

The purpose of this paper is to examine teacher reactions to the implementation of Proposition 227 as a means of understanding some of the changes that have taken

place since the beginning of implementation. Examination of BCLAD teacher surveys, interview responses and data from classroom observations indicated a series of themes and patterns that describe what BCLAD teachers are teaching, how they feel about what they are teaching and what they are doing to deal with their own careers and continue to support the education of ELLs as they strive for equity and access to equal education. Data from surveys, interviews and observations further indicated what BCLAD teachers see in the field as district, school and individual staff member responses to the education of ELLs as well as resistance to and for social justice.

*What are the BCLAD teachers teaching as a result of Proposition 227?*

As previously mentioned, surveys were sent to all BCLAD graduates and past and present MA, Option in Multilingual/Multicultural Education students currently living in California. Fifty four surveys were returned. Table one summarizes the teaching status of the respondents. It is interesting to note that upon further examination of the surveys it became clear that five respondents who stated they were teaching bilingually were, in fact, teaching in SEI contexts. Their self-identification with bilingual teaching turned out to be a political statement and one that explained their reactions to the implementation of Proposition 227. All five continued to go against their own district policy to ensure access to the curriculum for the ELLs in their classes. Their classes may have been designated SEI but these teachers were continuing to offer primary language instruction to their students. When you look at the numbers, then,

only 28 or 52% of the respondents were actually teaching in classrooms designated as bilingual.

Table one. Summary of Respondents' Teaching Status.

<b>Status</b>	<b>Number</b>	<b>Percentage</b>
Teaching Bilingually	33	61
Not Teaching Bilingually	18	33
Substitute Teaching	2	4
Not Teaching	1	2
<b>Total</b>	<b>54</b>	<b>100</b>

The respondents also taught a variety of grade levels and in a variety of bilingual programs (see tables two and three). It is clear from the surveys that most bilingual teachers work as K-3 teachers and those not teaching bilingually most often teach in SEI classrooms.

Table two. Number of Teachers at Each Grade Level.

<b>Grade Level</b>	<b>Number of Teachers</b>
Primary (K-3)	35
Upper (4-6)	9
Middle School	4
High School	3

Table three. Types of Programs Reported.

<b>BILINGUAL</b>		<b>NOT BILINGUAL</b>	
<b>Program</b>	<b># Teachers</b>	<b>Program</b>	<b># Teachers</b>
Transitional	8	SEI	14
Bilingual Ed. Parallel	9	English Lang. Development	4
Dual Immersion	7	High School Spanish	1
Late Exit	4	Special Day Class	1
		Individual.	1

It is important to note that the types of programs listed in table three are self-reported and there is some overlap. While some teachers specified that they taught in a late-exit program, that is generally considered to be one type of transitional bilingual education. Furthermore, parallel language, a state designation for bilingual programs which have up to a certain percentage of the primary language used supposedly parallel with English, could also be considered as a transitional program as the goal is to “transition” the students to all English instruction at some point in time.

Data from the interviews and observations, served go beyond program description as teachers talked about how they perceive the mandates of Proposition 227. Teachers stressed a lack of consistency and clarity with regards to how 227 is implemented. While some complained of lack of clarity on how much Spanish is permissible in the classroom, others described settings where “no Spanish is allowed to be used at all”. Teachers further complained about a lack of teacher training on how to implement the different programs described in Proposition 227.

Teachers described situations where students are being segregated by language levels for instruction. They complained that ELLs are being denied access to the core curriculum while their instruction focuses on ESL rather than content materials. Students are often pulled out of the class for ELD instruction. This was evident in the Kindergarten SEI classroom to a certain extent. In that instant, the classroom teacher

was one who chose to defy district mandates against using Spanish, so their was evidence of *how* her students were given access to curriculum, not *how they should* get access without the use of the primary language.<sup>2</sup>

Teachers complained that in many districts ELL instruction is based on a deficit perspective, where students are not allowed to receive primary language instruction, but instead may be offered special education services or moved to another school. “The truly needy are sent to another school for support.” Others spoke of “language problems” as a reason for special education placement. And while bilingual teachers indicated that that while in some districts they are in more demand than ever, even if there is no bilingual education in that district, they are being called upon more and more often to defend their positions as bilingual educators by their colleagues, administrators and, sometimes, the local community.

#### *Access to curriculum and instruction*

Both teachers in bilingual classes and those not teaching bilingually consistently discussed the differential impact of Proposition 227 in terms of the equity and availability to materials. They further complained about the lack of equity in instruction due to limited availability of materials in their students’ primary language. There seemed to be a lack of materials for a variety of reasons. In some instances materials

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<sup>2</sup> It is important to note, that this teacher was removed from her classroom at the end of the school year and reassigned as a middle school language arts teacher. It was made clear to her that her use of Spanish in defiance of district policy was a strong factor in her reassignment.

were not purchased for the students as the school year began. In other instances books already in the classroom were “taken away.” One teacher in a local school district complained that district personnel locked up the books in Spanish. Students were not allowed to use them as reference materials or even to take them home. *“Our school refuses to purchase full sets of books per classroom. Materials are shared between bilingual classrooms.”* *“All Spanish materials were taken out [of the class] but my school site bought a new English language development program.”* This complaint resonated in the responses as many teacher indicated that many more English as a second language and ELD materials were purchased than primary language materials, even in bilingual classrooms. This was also obvious during classroom observations, especially in the kindergarten SEI classroom where there were no materials available in Spanish, despite the student population being 100% native Spanish speaking.

During the focus groups teachers complained that there always has been a shortage of books and material in Spanish and that much of what was traditionally used was English material translated by the teacher or an aide. Some teachers complained that immediately following the passage of Proposition 227, newly adopted Spanish language arts materials were returned. When the waiver system allowed parents to request bilingual instruction, those same students went without materials for months. They also cited a lack of assessment tools in Spanish (all tests are in English) and argued that the “books were removed from the school because they were in Spanish.” Some teachers were concerned that there were some magazines that were no longer being published in Spanish as a result of the legislation (see Pucci and Ulanoff, 2002 for a

description of the impact of Proposition 227 on the Spanish print environment which supports these statements).

Furthermore, even in schools that maintained bilingual programs there has been an increased spending on ELD and ESL materials. This is further exacerbated by the recent state mandate that all adopted K–6 reading textbooks must have an ESL component so that there will be no state adopted stand alone ESL programs, which will eliminate those books from the classrooms. Teachers are therefore concerned that the state ELD standards are “fuzzy” and that there are lower expectations for ELLs because of language issues and access to materials.

#### *Teacher-student and student-student communication*

All respondents discussed the use of the primary language to support their students in bilingual, SEI, and mainstream classrooms and its usage was evident in the bilingual classrooms observed. Most teachers stated that they taught “survival” English during the first thirty days of English only instruction required at the outset of every academic year. Teachers discussed segmentation of the day into specific languages and the use of Spanish furtively when necessary. *“One hour of the day is in English; however students often speak in Spanish. When I’m teaching in Spanish I keep the content of the lesson in Spanish, but if I stop because I need someone to open a door, window, get something, I use English.”* Others acknowledge that they are supposed teach in English, but argue that that is not always the most effective means of getting the message across. *“I am supposed to use English, but many times I need to use Spanish for clarification of instruction.”*

### *Affective changes*

The implementation of Proposition 227 is greatly affecting teacher and student affect. Teachers feel punished and guarded, afraid to speak their minds. Many principals are afraid to go against district policies that mandate English only instruction and discourage/prohibit teachers from informing parents of the waiver process. *“We have been asked to deal with waivers discreetly.”* Some teachers left their districts in order to continue offering bilingual/primary language instruction to English learners and those that remained in districts who are not supportive of bilingual education complain about how they feel at school. *“More segregation [for students and teachers]. The ELL cluster classes’ teachers have voiced indifference-attitudes from the principals. Some of the teachers of ELL cluster classes feel isolated.”*

During the focus group interviews the teachers argued that Proposition 227 has given staff an opportunity to openly display racism to both bilingual teachers and the students they teach. They complained that they hear more openly racist comments and hostility. While this was not directly observed during classroom visits, it is important to note that the teachers who were observed did follow a “closed door” policy. In other words, when they were behind closed doors they went back to “business as usual” with the exception of a decline of L1 print materials, even in the bilingual classrooms.

Teachers have also noticed resentment against the students and the Latino community in general as a result of the fact that with the implementation of Proposition 227, educating ELLs have become an “all-teacher” responsibility. As with the

controversy surrounding Proposition 187 before, those teachers who used to teach English only classrooms never felt that they would be directly affected by the legislation. Somehow, bilingual teachers would still be there to do all the work. Respondents, bilingual and ELD teachers, mentioned feeling isolated among their 227 peers and often segregate themselves from the “regular” education teachers. Some teachers, mostly white, have demanded that their students not speak Spanish in class<sup>3</sup>.

Furthermore, teachers consistently hear from their monolingual peers that Proposition 227 is considered to be a positive thing for Hispanics. There is often a consensus that those schools and districts that have maintained bilingual instruction are somehow “illegal.” One teacher noted: “it seems as though people/staff are making an extra effort to be politically correct. The negative attitudes towards minorities are subtle.”

This change in attitudes toward bilingual education and bilingual individuals has motivated some teachers to demonstrate resistance for and toward social justice. As previously mentioned, some bilingual teachers decided to use Spanish even if they were instructed not to use it at all or to use it only under specific conditions. On the opposing side, some teachers don’t believe that students should have the waiver option (to waive out of English only instruction); they believe that the students should receive English only instruction and that offering waivers violates Proposition 227s’ intent.

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<sup>3</sup> It is interesting to note that Proposition 227 does not mandate that teachers not use the students’ L1, nor does it state that students cannot speak in their native languages. It merely states that instruction must be “...overwhelmingly in English.”

### *District contexts*

Based on the survey responses, focus group interviews and classroom observations, it became obvious that it is imperative to consider the context of each district. Teachers reported that the districts where they work were either very supportive of bilingual education and actively informed parents about their rights to waivers or went in the completely opposite direction. In a few incidents, districts actively attempted to continue their bilingual programs. Other districts did so only under duress and told teachers who attempted to give parents information, “We would hate to lose you....” At least two local districts completely abolished primary language programs (one even before the actual implementation date) and instituted SEI classrooms (although one has relented and now allows some waivers). Furthermore, support for bilingual education varied greatly from site to site.

Teachers described districts where students are placed wholesale into SEI classrooms regardless of language levels or needs. The spoke of varying levels of L1 support, very little in many cases as many districts move toward EO instruction. Districts that offer L1 instruction are most likely to do so in the primary grades. There is also less aide time in the classroom and students are often clustered together if they need language assistance. Teachers complained that students are often pushed into EO classes before they are ready and that these programs are “sink or swim” and offer little or no assistance to the students. Conversely, there is also some activism at the district level. One teacher talked of her school becoming a charter school in order to avoid being “illegal” or obsolete.

It is important to note that teachers complained of having limited or non-existent guidelines for the implementation of Proposition 227. The mandate to teach “overwhelmingly in English” is vague and consistently has been left open to interpretation. Some teachers have been instructed to focus on oral language development, not on grade level curriculum but there is extreme pressure to raise the Academic Performance Index scores by which every school is evaluated and ranked.

Furthermore, in some districts that have actively eliminated bilingual programs, parents are given limited or no information regarding their rights to choose bilingual instruction. Teachers are told that they must not try to explain regulations to parents. In most of those districts, teachers are told that all instruction must be in English. If their students fail the assessments, they are then removed from the class to resource classes but they are not given any language help to assist them in accessing the curriculum. And finally, some teachers reported that they have been given no guidelines at all and that they must make sense of Proposition 227, themselves.

## **Conclusions**

The debate over bilingual education in the state of California has been ongoing despite demonstrated success for properly implemented bilingual programs (Krashen and Biber, 1988; Ramírez, 1992; Willig, 1985). Bilingual teachers and ELLs *are* experiencing changes as a direct result of the type of program that they are experiencing due to the implementation of Proposition 227 in California. And these teachers and ELLs find themselves in the center of the evolving sociopolitical context of the state.

Bilingual teachers are concerned about the varied access their ELLs have to curriculum and instruction, to the core content that is so important for students to learn in order to be successful. They are concerned about the availability of effective teaching materials in their students L1 as well as equity in instruction, regardless of the program in which they teach. And they are concerned for the impact the changing attitudes will have on both the lives and the education of their students.

Bilingual teachers who are teaching in SEI situations are particularly concerned about access and availability of materials for their students as well as a lack of guidelines and structure for program implementation. Even novice bilingual teachers are finding that they need to use their roles as advocates to support their own students. While some teachers, even bilingual teachers, support the move to monolingual English instruction, many are demonstrating resistance for and toward social justice. Even untenured bilingual teachers are defying district mandates against the use of the primary language despite personal and professional consequences.

It is important to engage in dialogue with bilingual teachers in order to understand the true impact of Proposition 227 on the education of second language learners. Responses from bilingual teachers afford us a first hand glimpse into both bilingual and English only classrooms. By examining their reactions we can begin to see the wide-reaching impact of such restrictive legislation. California is just beginning to see the true consequences of this focus on monoculturism and monolingualism. Our findings, far from generating conclusive answers, therefore leave us with the following questions:

- How do teachers know if their students are receiving equal access to the curriculum?
- How is “equal access” defined?
- How is success defined?
- How is bilingual education defined in California?

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